

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 4:05CR83-P-B**

**TAVARES MARTIN aka “T-Dog”  
and MELVIN DUNCAN**

**ORDER**

This cause is before the Court on defendant Duncan’s Motion for Continuance of September 26, 2005 Trial Setting [24]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for September 26, 2005. Counsel for defendant seeks a continuance in order to complete additional investigation and to consult more fully with his client regarding the possibility of a plea agreement and a possible 5K1 motion by the government. The government does not object to the requested continuance. Based on the foregoing, the Court finds that the defendants’ motions are well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from September 26, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare his defense to the charges at issue. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [24] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, October 31, 2005 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from September 26, 2005 until October 31, 2005 is excluded as set out above;
4. That the deadline for filing pretrial motions is October 10, 2005;
5. That the deadline for submitting a plea agreement is October 17, 2005.

SO ORDERED, this the 19<sup>th</sup> day of September, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE